

REMARKS/ARGUMENTS

This paper is responsive to the non-final Office Action of mailing date October 31, 2007. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-18 remain pending upon entry of the present paper and claims 19-38 have been previously withdrawn. Claims 1 and 9 have been amended. No new subject matter has been added.

Rejections Under 35 U.S.C. § 101

Claims 1-8 stand rejected under 35 U.S.C. § 101 as failing to produce a useful, concrete and tangible result. This rejection is respectfully traversed.

The Office Action at page 2, with respect to claim 1, asserts that the initiating steps/commands from each of the first and second nodes fails to produce a tangible result. Applicants have amended independent claim 1 so as to relate the initiating steps/commands to the identifying steps/commands. As such, Applicants submit that the initiating steps/commands as recited in amended claim 1 produce a tangible result, namely, facilitating the identifying steps/commands as recited in claim 1. Applicants request withdrawal of the corresponding rejection as applied to claim 1.

Claims 2-8 depend from claim 1. As such, the corresponding rejection as applied to claims 2-8 has been rendered moot in view of the amendment made to claim 1.

Rejections Under 35 U.S.C. § 102

Claims 1, 5-7, 9-11, and 15-17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Borella et al. (U.S. patent no. 6,269,099, hereinafter Borella). This rejection is respectfully traversed.

Amended independent claim 1 recites, among other features, “assigning a first address to a first node and a second address to a second node, wherein the first address is characteristic of a primary mode of operation . . . determining that the first node is inoperable; initiating at the second node an exchange of the first address and the second address responsive to determining that the first node is inoperable; and assigning the first address to the second node and the second address to the first node responsive to initiating the exchange.” Borella fails to teach or suggest

at least these features. At most, Borella demonstrates a protocol and method for peer network device discovery, wherein a first peer network device sends out a peer discovery request to other peer network devices, and wherein a second peer network device, upon receiving the peer discovery request, attempts to establish a two-way, peer-to-peer data-flow to the first peer network device that sent the peer discovery requests. See Borella Abstract, Figures 1 and 4, and col. 6, line 61 – col. 7, line 35. Borella is wholly devoid of any teaching or suggestion of features related to assigning a first address to a first node and a second address to a second node, wherein the first address is characteristic of a primary mode of operation; determining that the first node is inoperable; initiating at the second node an exchange of the first address and the second address responsive to determining that the first node is inoperable; and assigning the first address to the second node and the second address to the first node responsive to initiating the exchange as required by claim 1. As such, claim 1 is allowable over Borella.

Amended claim 9 recites, among other features, “a network module for receiving a first address assigned to the first node, wherein the first address is characteristic of a primary mode of operation . . . a receptor . . . for receiving from the second node a communications command to exchange the first address with a second address assigned to the second node; . . . wherein the network module is configured to exchange the first address with the second address such that the first node is assigned the second address responsive to the exchange.” The noted features recited in claim 9 are similar to those recited in amended claim 1. As such, claim 9 is allowable over Borella for at least reasons substantially similar to those discussed above with respect to claim 1.

Claims 5-7, 10, 11, and 15-17 each depend from at least one of claims 1 and 9, and are allowable for at least the same reasons as their respective base claims, and further in view of the additional advantageous features recited therein.

Rejections Under 35 U.S.C. § 103

Claims 2-4, 8, 12-14 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Borella, in view of Ruckley et al. (U.S. patent no. 6,360,277, hereinafter Ruckley). This rejection is respectfully traversed.

Ruckley is directed to an intelligible relay that is capable of being accessed by a controller via a network using a unique component address. See Ruckley Abstract and col. 6, lines 6-17. Notwithstanding whether the proposed combination of Borella and Ruckley is proper, Ruckley fails to cure the deficiencies of Borella noted above with respect to each of independent claims 1 and 9. As such, claims 2-4, 8, 12-14, and 18, which each depend from at least one of claims 1 and 9, are allowable over the applied references for at least the same reasons as their respective base claims, and further in view of the additional advantageous features recited therein.

CONCLUSION

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Applicants request that correspondence with respect to this application be directed to the addressee of record as per Customer Number 46901.

Respectfully submitted,
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